

### **REMARKS**

Claims 1-31 have been rejected under 35 U.S.C. 102(b) as being anticipated by either Parton et al. (U.S. Patent No. 6,143,486) or Parton et al. (U.S. Patent No. 6,165,703). The Examiner states that Parton et al. '486 and Parton et al. '703 each disclose (column 30, line 20 in '486; column 23, line 24 in '703) a process for preparing a concentrated photographic spectral sensitizing dye water composition, which comprises adding an anionic sensitizing dye (inclusive of the instant claims) to an aqueous medium dispersed in an aqueous medium substantially free of organic solvent, and agitating the combined dye/aqueous medium in the presences of a nonionic surfactant until the anionic dye forms a liquid-crystalline dye phase (column 7, line 17 in '486; column 7, line 61 in '703). This rejection is respectfully traversed.

Parton et al. '486 and Parton et al. '703 each describe preparation of liquid-crystalline dye phase dispersions in aqueous medium free of organic solvent as indicated by the Examiner. With respect to applicants' independent claims 1 and 25, however, such references fail to specifically disclose preparation of liquid-crystalline dye phase dispersions of anionic sensitizing dyes dispersed in the presence of a nonionic surfactant having an HLB of less than 12 and an aqueous solubility at 25C of greater than 10 ppm, where the nonionic surfactant is present at a level of from 10 to 1000 ppm. Note col. 30, line 20+ of Parton et al. '486 and col. 23, line 24+ of Parton et al. '703 referenced by the Examiner do not disclose use of any surfactants in the preparation of the described dye dispersions. Note further that col. 7, line 17+ of Parton et al. '486 and col. 7, line 61+ of Parton et al. '703 each fail to disclose use of any particular type of surfactants specifically with anionic sensitizing dyes. Such references clearly do not anticipate the present claimed invention, and reconsideration of this rejection is accordingly respectfully urged.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by either Deaton et al. (U.S. Patent No. 6,331,385) or Parton et al. (U.S. Patent No. 6,361,932). The Examiner states that each of Deaton et al. '385 (column 43, line 30) and Parton et al. '932 (column 35, line 62) disclose a process for preparing a concentrated photographic spectral sensitizing dye water composition, which comprises adding an anionic sensitizing dye (inclusive of the

instant claims) to an aqueous medium dispersed in an aqueous medium substantially free of organic solvent, and agitating the combined dye/aqueous medium in the presences of a nonionic surfactant until the anionic dye forms a liquid-crystalline dye phase (column 11, line 5 in "385"; column 7, line 60 in '932). This rejection is respectfully traversed.

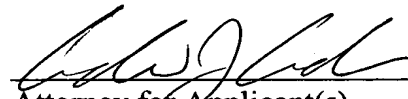
As with Parton et al. '486 and Parton et al. '703 discussed above, each of Deaton et al. '385 and Parton et al. '932 describe preparation of liquid-crystalline dye phase dispersions in aqueous medium free of organic solvent as indicated by the Examiner. With respect to applicants' independent claims 1 and 25, however, such references also fail to specifically disclose preparation of liquid-crystalline dye phase dispersions of anionic sensitizing dyes dispersed in the presence of a nonionic surfactant having an HLB of less than 12 and an aqueous solubility at 25C of greater than 10 ppm, where the nonionic surfactant is present at a level of from 10 to 1000 ppm. Note col. 43, line 30+ of Deaton et al. '385 and col. 35, line 62+ of Parton et al. '932 referenced by the Examiner do not disclose use of any surfactants in the preparation of the described dye dispersions. Note further that col. 11, line 5+ of Deaton et al. '385 and col. 7, line 60+ of Parton et al. '932 each fail to disclose use of any particular type of surfactants specifically with anionic sensitizing dyes. As with Parton et al. '486 and Parton et al. '703 discussed above, such references clearly do not anticipate the present claimed invention, and reconsideration of this rejection is accordingly respectfully urged.

While obviousness rejection have not been proposed by the Examiner, it is further noted that such references fail to teach or suggest such specific combination of sensitizing dyes and surfactants in the preparation of concentrated anionic dye dispersions. As discussed in the specification, the present invention is directed at enabling liquid-crystalline dye dispersions to be prepared in relatively concentrated form (e.g., preferably 0.4 to 5.0 weight percent, more preferably 1.0 to 5 or even 2.0 to 5 weight percent) without detrimental foaming and without negative impact on the quality of subsequent photographic emulsion sensitizations performed using such dye dispersions. The selection of the particular type and amounts of surfactants as set forth in the present application claims has been found to enable such desired results

specifically for anionic dye dispersions. Note the highest concentration for any anionic dye dispersion disclosed in the cited references is only 0.11 weight percent. Clearly there is no teaching or suggestion that use of specific dye type and surfactant combinations as set forth in the present invention would enable higher dye concentrations. Accordingly, it is believed the present claimed invention is not obvious in view of the cited references.

In view of the foregoing remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,

  
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